APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,116	02/26/2004	Toshihiro Kobayashi	00862.023492.	1851

5514   7590   10/16/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
LOVEL, KIMBERLY M

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
10/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

D

	Application No.	Applicant(s)
Office Action Summary	10/786,116	KOBAYASHI ET AL.
	Examiner	**Art Unit**	
	Kimberly Lovel	2167	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 August 2007_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,2 and 6-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1, 2 and 6-17_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 2, and 6-17 are rejected and claims 3-5 are cancelled.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6

August 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   **Claims 1, 11, 14, 15, 16 and 17** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The mentioned claims include the limitation "maintaining the exclusive control right of the specific process as to a data item which belongs to an upper layer of the data item designated in said second designation step." The examiner failed to locate support for the claim language within applicants' specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   **Claim 1 and 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over US Patent No. 7,062,532 to Sweat et al (hereafter Sweat et al) in view of US

Patent No. 5,933,825 to McClaughry et al (hereafter McClaughry et al) in view of

US Patent No 6,529,905 to Bray et al (hereafter Bray).

Referring to claim 1, Sweat et al disclose an information processing method

[method for a project hosting service that a user can communicate and collaborate with

members of a design team] for setting an exclusive control right of a data item by a

specific process in a system [a user can download files to work on them, while locking

the file to prevent others from overwriting the file] in which a plurality of processes that

can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a first designation step [locking a file] of designating a data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitations of a retrieval step, a determination step and a setting step. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitations of:

a retrieval step of retrieving a data item [folders B and C and files D, E, F and G] which belongs to a lower layer of the data item [folder A] designated in the first designation step on the basis of hierarchical structure information of the plurality of data items (see column 8, lines 45-48 – the children of folder A are retrieved);

a determination step of determining whether or not an exclusive control right by another process is set, for each data item in the retrieval step (McClaughry et al: see column 5, lines 36-58 and column 5, line 59 – column 6, line 14); and

a setting step of setting the exclusive control right for the specific process as to the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and as to a retrieved data item retrieved in said retrieval step (see column 8, lines

59-60 – an RC lock is acquired for the children of folder A) and for which it is
determined in said determination step that an exclusive control right by another process
is not set (McClaughry et al: see column 5, lines 36-58 – determining if the lock is
available and if so, acquiring the lock) in order to provide a mechanism for
administrators and users to organize and set access permissions to a hierarchy of data
items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to utilize McClaughry et al's method of retrieving children in a
hierarchy of objects and applying the same control rights as the parent as a
subcomponent to Sweat et al's method for determining an object in which a control right
is to be set. One would have been motivated to do so in order to provide a mechanism
for administrators and users to organize and set access permissions to a hierarchy of
data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

While the combination of Sweat et al and McClaughry et al (hereafter
Sweat/McClaughry) discloses a second designation step of designating a data item
[folder A] for which the exclusive control right is to be released (McClaughry et al: see
column 9, lines 16-21 – the move operation designates the desire to obtain a second
Write Children (WK) lock on folder A) and a first release step of releasing the exclusive
control right of the specific process as to the designated data item and data items which
are related to the data item designated in the second designation step and are retrieved
in the retrieval step (McClaughry et al: see column 9, lines 7-15 – a Write Children (WK)
lock is acquired on folder A; after acquiring the WK lock, a Read Contents (RC) lock is

obtained on item C; next the WK lock is released)), Sweat/McClaughry fails to explicitly

disclose the further limitation of a first release step of releasing the exclusive control

right of the specific process as to the data item designated in said second designation

step and a data item which belongs to a lower layer of the data item designated in said

second designation step, while maintaining the exclusive control right of the specific

process as to a data item which belongs to an upper layer of the data item designated in

said second designation step. Bray discloses a second designation step of designating

a desired data item [target element] for which the exclusive control right is to be

released (see column 9, lines 11-13), including the further limitation of a first release

step of releasing the exclusive control right of the specific process as to the data item

designated in said second designation step [target element] and a data item which

belongs to a lower layer of the data item designated in said second designation step

[subtree], while maintaining the exclusive control right of the specific process as to a

data item which belongs to an upper layer of the data item designated in said second

designation step (see column 8, line 63 – column 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to utilize Bray's feature of releasing the lock on the subtree of the target node

when releasing the lock on the target node with the step for releasing the lock disclosed

by Sweat/McClaughry. One would have been motivated to do so in order to ensure

data integrity while, at the same time, minimizing the scope of the data locking to

maximize the amount of the data structure available to other users (Bray: see column 2,

lines 46-50).

Referring to claim 6, the combination of Sweat/McClaughry and Bray (hereafter Sweat/McClaughry/Bray) discloses the method according to claim 5, wherein said first release step includes a step of releasing the exclusive control right by the specific process of data items, for which no exclusive control right by another process is set, of the data items retrieved in said retrieval step (McClaughry et al: see column 5, lines 36-58 – determining if the lock is available and if so, acquiring the lock).

Referring to claim 7, Sweat/McClaughry/Bray discloses the method according to claim 1, wherein said setting step has a first setting mode [setting a read contents (RC) lock] for setting the exclusive control right by the specific process when no exclusive control right is set for the designated data item and all data items retrieved in the retrieval step (McClaughry et al: see column 5, lines 35-44), and a second setting mode [setting Hierarchy Read Contents (HRC) lock] for setting the exclusive control right by the specific process for data items for which no exclusive control right is set, of the designated data item and data items retrieved in said retrieval step (McClaughry et al: see column 5, line 58 – column 6, line 14), and an exclusive control right setting process is executed in a designated one of the first (McClaughry et al: see column 5, lines 41-44) and second setting modes (McClaughry et al: see column 6, lines 2-4).

Referring to claim 8, Sweat/McClaughry/Bray discloses the method according to claim 7, wherein a user can designate a desired one of the first and second setting modes (McClaughry et al: see column 8, lines 59-60 – since the user is copying folder A, it is considered that the user is selecting to use a RC lock).

Referring to claim 9, Sweat/McClaughry/Bray discloses the method according to claim 7, wherein information indicating which of the first and second setting modes is to be applied is assigned to each of the plurality of data items (McClaughry et al: see column 8, lines 59-60 – the lock is acquired for folder A and the children of folder A).

Referring to claim 10, Sweat/McClaughry/Bray discloses the method according to claim 1, wherein an upper limit value of exclusive control rights to be set is set for each of the plurality of data items, and said setting step includes a step of setting the exclusive control rights within the set upper limit value (Sweat et al: see column 9, lines 19-34 – limiting the number of saved versions when determining the rights of a user).

Referring to claim 11, Sweat et al disclose an information processing apparatus [method for a project hosting service that a user can communicate and collaborate with members of a design team] for setting an exclusive control right of a data item by a specific process in a system [a user can download files to work on them, while locking the file to prevent others from overwriting the file] in which a plurality of processes that can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a holding unit [ProjectPoint contains projects] for holding hierarchical structure information of the plurality of data items (see column 3, line 57 – column 4, line 26);

a first designation step [locking a file] of designating a data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is considered

to represent an exclusive control right given to Administrators and Editors] is to be set
(see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitation of a setting
unit. McClaughry et al disclose a method for applying locks to files wherein a plurality of
processes share data items (see abstract), including the further limitation of a setting
unit for setting the exclusive control right by the specific process to the designated data
item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and a data item
which is related to the designated data item (see column 8, lines 59-60 – an RC lock is
acquired for the children of folder A) on the basis of the hierarchical structure
information and belongs to a layer lower than the data item designated by said first
designation unit (see column 8, lines 45-48 – the children of folder A are retrieved),
wherein the setting unit sets exclusive control right of the specific process only as to
data items, to which no exclusive control right is set by another process, including the
designated data item and data items which belong to a lower layer than the designated
item (see column 5, lines 35-48 and column 5, line 59 – column 6, line 14) in order to
provide a mechanism for administrators and users to organize and set access
permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to utilize McClaughry et al's method of retrieving children in a
hierarchy of objects and applying the same control rights as the parent as a
subcomponent to Sweat et al's method for determining an object in which a control right
is to be set. One would have been motivated to do so in order to provide a mechanism

for administrators and users to organize and set access permissions to a hierarchy of

data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

While Sweat/McClaughry discloses a second designation step of designating a

data item [folder A] for which the exclusive control right is to be released (McClaughry et

al: see column 9, lines 16-21 – the move operation designates the desire to obtain a

second Write Children (WK) lock on folder A) and a first release step of releasing the

exclusive control right of the specific process as to the designated data item and data

items which are related to the data item designated in the second designation step and

are retrieved in the retrieval step (McClaughry et al: see column 9, lines 7-15 – a Write

Children (WK) lock is acquired on folder A; after acquiring the WK lock, a Read

Contents (RC) lock is obtained on item C; next the WK lock is released)),

Sweat/McClaughry fails to explicitly disclose the further limitation of a first release step

of releasing the exclusive control right of the specific process as to the data item

designated in said second designation step and a data item which belongs to a lower

layer of the data item designated in said second designation step, while maintaining the

exclusive control right of the specific process as to a data item which belongs to an

upper layer of the data item designated in said second designation step. Bray discloses

a second designation step of designating a desired data item [target element] for which

the exclusive control right is to be released (see column 9, lines 11-13), including the

further limitation of a first release step of releasing the exclusive control right of the

specific process as to the data item designated in said second designation step [target

element] and a data item which belongs to a lower layer of the data item designated in

said second designation step [subtree], while maintaining the exclusive control right of

the specific process as to a data item which belongs to an upper layer of the data item

designated in said second designation step (see column 8, line 63 – column 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to utilize Bray's feature of releasing the lock on the subtree of the target node

when releasing the lock on the target node with the step for releasing the lock disclosed

by Sweat/McClaughry. One would have been motivated to do so in order to ensure

data integrity while, at the same time, minimizing the scope of the data locking to

maximize the amount of the data structure available to other users (Bray: see column 2,

lines 46-50).

Referring to claim 12, Sweat/McClaughry/Bray discloses a control program

[software] stored in a computer-readable storage medium for making a computer

execute an information processing method of claim 1 (Sweat et al: see column 3, lines

36-39).

Referring to claim 13, Sweat/McClaughry/Bray discloses a storage medium

storing a control program for making a computer execute an information processing

method of claim 1 (Sweat et al: see column 3, lines 27-35).

Referring to claim 14, Sweat et al disclose an information processing method

[method for a project hosting service that a user can communicate and collaborate with

members of a design team] for setting an exclusive control right of a data item by a

specific process in a system [a user can download files to work on them, while locking

the file to prevent others from overwriting the file] in which a plurality of processes that

can communicate with each other [a user communicates with other users] (see abstract)

via an information transmission medium [Internet] share data including a plurality of data

items (see column 3, lines 12-35), comprising:

a first designation step [locking a file] of designating a data item [a selected file]

for which the exclusive control right [locking a file by Administrators or Editors – since

locking a file prevents other project members from editing the file, a lock is considered

to represent an exclusive control right given to Administrators and Editors] is to be set

(see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitations of a setting

step of setting the exclusive control right by the specific process to the designated data

item and a data item which belongs to a layer lower than the data item designated in the

designation step on the basis of hierarchical structure information of the plurality of data

items. McClaughry et al disclose a method for applying locks to files wherein a plurality

of processes share data items (see abstract), including the further limitations of:

a setting step of setting the exclusive control right by the specific process to the

designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A)

and a data item (see column 8, lines 59-60 – an RC lock is acquired for the children of

folder A) which belongs to a layer lower than the data item designated in the first

designation step on the basis of hierarchical structure information of the plurality of data

items (see column 8, lines 45-48 – the children of folder A are retrieved), wherein the

setting unit sets exclusive control right of the specific process only as to data items, to

which no exclusive control right is set by another process, including the designated data

item and data items which belong to a lower layer than the designated item (see column 5, lines 35-48 and column 5, line 59 – column 6, line 14) in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize McClaughry et al's method of applying the control rights to an item and then applying the same control rights to the children of the item as a subcomponent to Sweat et al's method for determining an object in which a control right is to be set. One would have been motivated to do so in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

While Sweat/McClaughry discloses a second designation step of designating a data item [folder A] for which the exclusive control right is to be released (McClaughry et al: see column 9, lines 16-21 – the move operation designates the desire to obtain a second Write Children (WK) lock on folder A) and a first release step of releasing the exclusive control right of the specific process as to the designated data item and data items which are related to the data item designated in the second designation step and are retrieved in the retrieval step (McClaughry et al: see column 9, lines 7-15 – a Write Children (WK) lock is acquired on folder A; after acquiring the WK lock, a Read Contents (RC) lock is obtained on item C; next the WK lock is released)), Sweat/McClaughry fails to explicitly disclose the further limitation of a first release step of releasing the exclusive control right of the specific process as to the data item

designated in said second designation step and a data item which belongs to a lower

layer of the data item designated in said second designation step, while maintaining the

exclusive control right of the specific process as to a data item which belongs to an

upper layer of the data item designated in said second designation step. Bray discloses

a second designation step of designating a desired data item [target element] for which

the exclusive control right is to be released (see column 9, lines 11-13), including the

further limitation of a first release step of releasing the exclusive control right of the

specific process as to the data item designated in said second designation step [target

element] and a data item which belongs to a lower layer of the data item designated in

said second designation step [subtree], while maintaining the exclusive control right of

the specific process as to a data item which belongs to an upper layer of the data item

designated in said second designation step (see column 8, line 63 – column 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to utilize Bray's feature of releasing the lock on the subtree of the target node

when releasing the lock on the target node with the step for releasing the lock disclosed

by Sweat/McClaughry. One would have been motivated to do so in order to ensure

data integrity while, at the same time, minimizing the scope of the data locking to

maximize the amount of the data structure available to other users (Bray: see column 2,

lines 46-50).

Referring to claim 15, Sweat et al disclose an information processing method

[method for a project hosting service that a user can communicate and collaborate with

members of a design team] for setting an exclusive control right of a data item by a

specific process in a system [a user can download files to work on them, while locking the file to prevent others from overwriting the file] in which a plurality of processes that can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a first designation step [locking a file] of designating a data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitations of a retrieval step, a determination step and a setting step. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitations of:

a retrieval step of retrieving a data item [folders B and C and files D, E, F and G] which belongs to a lower layer of the designated data item [folder A] designated in the first designation step on the basis of hierarchical structure information of the plurality of data items (see column 8, lines 45-48 – the children of folder A are retrieved);

a determination step of determining whether or not an exclusive control right by another process is set, for each data item in the retrieval step (McClaughry et al: see column 5, lines 36-58 and column 5, line 59 – column 6, line 14); and

a setting step of setting the exclusive control right for the specific process as to

the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder

A) and as to a retrieved data item retrieved in said retrieval step (see column 8, lines

59-60 – an RC lock is acquired for the children of folder A) in order to provide a

mechanism for administrators and users to organize and set access permissions to a

hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize McClaughry et al's method of retrieving children in a

hierarchy of objects and applying the same control rights as the parent as a

subcomponent to Sweat et al's method for determining an object in which a control right

is to be set. One would have been motivated to do so in order to provide a mechanism

for administrators and users to organize and set access permissions to a hierarchy of

data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

While the combination of Sweat et al and McClaughry et al (hereafter

Sweat/McClaughry) discloses a second designation step of designating a data item

[folder A] for which the exclusive control right is to be released (McClaughry et al: see

column 9, lines 16-21 – the move operation designates the desire to obtain a second

Write Children (WK) lock on folder A) and a first release step of releasing the exclusive

control right of the specific process as to the designated data item and data items which

are related to the data item designated in the second designation step and are retrieved

in the retrieval step (McClaughry et al: see column 9, lines 7-15 – a Write Children (WK)

lock is acquired on folder A; after acquiring the WK lock, a Read Contents (RC) lock is

obtained on item C; next the WK lock is released)), Sweat/McClaughry fails to explicitly

disclose the further limitation of a first release step of releasing the exclusive control

right of the specific process as to the data item designated in said second designation

step and a data item which belongs to a lower layer of the data item designated in said

second designation step, while maintaining the exclusive control right of the specific

process as to a data item which belongs to an upper layer of the data item designated in

said second designation step. Bray discloses a second designation step of designating

a desired data item [target element] for which the exclusive control right is to be

released (see column 9, lines 11-13), including the further limitation of a first release

step of releasing the exclusive control right of the specific process as to the data item

designated in said second designation step [target element] and a data item which

belongs to a lower layer of the data item designated in said second designation step

[subtree], while maintaining the exclusive control right of the specific process as to a

data item which belongs to an upper layer of the data item designated in said second

designation step (see column 8, line 63 – column 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to utilize Bray's feature of releasing the lock on the subtree of the target node

when releasing the lock on the target node with the step for releasing the lock disclosed

by Sweat/McClaughry. One would have been motivated to do so in order to ensure

data integrity while, at the same time, minimizing the scope of the data locking to

maximize the amount of the data structure available to other users (Bray: see column 2,

lines 46-50).

Referring to claim 16, Sweat et al disclose an information processing apparatus [method for a project hosting service that a user can communicate and collaborate with members of a design team] for setting an exclusive control right of a data item by a specific process in a system [a user can download files to work on them, while locking the file to prevent others from overwriting the file] in which a plurality of processes that can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a holding unit [ProjectPoint contains projects] for holding hierarchical structure information of the plurality of data items (see column 3, line 57 – column 4, line 26);

a first designation step [locking a file] of designating a data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitation of a setting unit. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitation of a setting unit for setting the exclusive control right by the specific process to the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and a data item which is related to the designated data item (see column 8, lines 59-60 – an RC lock is acquired for the children of folder A) on the basis of the hierarchical structure

information and belongs to a layer lower than the data item designated by said first

designation unit (see column 8, lines 45-48 – the children of folder A are retrieved) in

order to provide a mechanism for administrators and users to organize and set access

permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize McClaughry et al's method of retrieving children in a

hierarchy of objects and applying the same control rights as the parent as a

subcomponent to Sweat et al's method for determining an object in which a control right

is to be set. One would have been motivated to do so in order to provide a mechanism

for administrators and users to organize and set access permissions to a hierarchy of

data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

While Sweat/McClaughry discloses a second designation step of designating a

data item [folder A] for which the exclusive control right is to be released (McClaughry et

al: see column 9, lines 16-21 – the move operation designates the desire to obtain a

second Write Children (WK) lock on folder A) and a first release step of releasing the

exclusive control right of the specific process as to the designated data item and data

items which are related to the data item designated in the second designation step and

are retrieved in the retrieval step (McClaughry et al: see column 9, lines 7-15 – a Write

Children (WK) lock is acquired on folder A; after acquiring the WK lock, a Read

Contents (RC) lock is obtained on item C; next the WK lock is released)),

Sweat/McClaughry fails to explicitly disclose the further limitation of a first release step

of releasing the exclusive control right of the specific process as to the data item

designated in said second designation step and a data item which belongs to a lower

layer of the data item designated in said second designation step, while maintaining the

exclusive control right of the specific process as to a data item which belongs to an

upper layer of the data item designated in said second designation step. Bray discloses

a second designation step of designating a desired data item [target element] for which

the exclusive control right is to be released (see column 9, lines 11-13), including the

further limitation of a first release step of releasing the exclusive control right of the

specific process as to the data item designated in said second designation step [target

element] and a data item which belongs to a lower layer of the data item designated in

said second designation step [subtree], while maintaining the exclusive control right of

the specific process as to a data item which belongs to an upper layer of the data item

designated in said second designation step (see column 8, line 63 – column 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to utilize Bray's feature of releasing the lock on the subtree of the target node

when releasing the lock on the target node with the step for releasing the lock disclosed

by Sweat/McClaughry. One would have been motivated to do so in order to ensure

data integrity while, at the same time, minimizing the scope of the data locking to

maximize the amount of the data structure available to other users (Bray: see column 2,

lines 46-50).

Referring to claim 17, Sweat et al disclose an information processing method

[method for a project hosting service that a user can communicate and collaborate with

members of a design team] for setting an exclusive control right of a data item by a

specific process in a system [a user can download files to work on them, while locking

the file to prevent others from overwriting the file] in which a plurality of processes that

can communicate with each other [a user communicates with other users] (see abstract)

via an information transmission medium [Internet] share data including a plurality of data

items (see column 3, lines 12-35), comprising:

a first designation step [locking a file] of designating a data item [a selected file]

for which the exclusive control right [locking a file by Administrators or Editors – since

locking a file prevents other project members from editing the file, a lock is considered

to represent an exclusive control right given to Administrators and Editors] is to be set

(see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitations of a setting

step of setting the exclusive control right by the specific process to the designated data

item and a data item which belongs to a layer lower than the data item designated in the

designation step on the basis of hierarchical structure information of the plurality of data

items. McClaughry et al disclose a method for applying locks to files wherein a plurality

of processes share data items (see abstract), including the further limitations of:

a setting step of setting the exclusive control right by the specific process to the

designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A)

and a data item (see column 8, lines 59-60 – an RC lock is acquired for the children of

folder A) which belongs to a layer lower than the data item designated in the first

designation step on the basis of hierarchical structure information of the plurality of data

items (see column 8, lines 45-48 – the children of folder A are retrieved) in order to

provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize McClaughry et al's method of applying the control rights to an item and then applying the same control rights to the children of the item as a subcomponent to Sweat et al's method for determining an object in which a control right is to be set. One would have been motivated to do so in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

While Sweat/McClaughry discloses a second designation step of designating a data item [folder A] for which the exclusive control right is to be released (McClaughry et al: see column 9, lines 16-21 – the move operation designates the desire to obtain a second Write Children (WK) lock on folder A) and a first release step of releasing the exclusive control right of the specific process as to the designated data item and data items which are related to the data item designated in the second designation step and are retrieved in the retrieval step (McClaughry et al: see column 9, lines 7-15 – a Write Children (WK) lock is acquired on folder A; after acquiring the WK lock, a Read Contents (RC) lock is obtained on item C; next the WK lock is released)), Sweat/McClaughry fails to explicitly disclose the further limitation of a first release step of releasing the exclusive control right of the specific process as to the data item designated in said second designation step and a data item which belongs to a lower layer of the data item designated in said second designation step, while maintaining the

exclusive control right of the specific process as to a data item which belongs to an

upper layer of the data item designated in said second designation step. Bray discloses

a second designation step of designating a desired data item [target element] for which

the exclusive control right is to be released (see column 9, lines 11-13), including the

further limitation of a first release step of releasing the exclusive control right of the

specific process as to the data item designated in said second designation step [target

element] and a data item which belongs to a lower layer of the data item designated in

said second designation step [subtree], while maintaining the exclusive control right of

the specific process as to a data item which belongs to an upper layer of the data item

designated in said second designation step (see column 8, line 63 – column 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to utilize Bray's feature of releasing the lock on the subtree of the target node

when releasing the lock on the target node with the step for releasing the lock disclosed

by Sweat/McClaughry. One would have been motivated to do so in order to ensure

data integrity while, at the same time, minimizing the scope of the data locking to

maximize the amount of the data structure available to other users (Bray: see column 2,

lines 46-50).

5.   **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,062,532 to Sweat et al in view of US Patent No. 5,933,825 to McClaughry et al in view of US Patent No 6,529,905 to Bray et al as applied to claim 1 above, and further in view of US Patent No. 6,215,495 to Grantham et al (hereafter Grantham et al).**

Referring to claim 2, Sweat/McClaughry discloses assigning control rights to data items in a hierarchy, however, Sweat/McClaughry fails to explicitly disclose the further limitation wherein the data is a scene graph database, which is referred to upon generation of computer graphics of a virtual space. Grantham et al also disclose assigning control rights to data items in a hierarchy (see abstract and column 7, lines 49-54), including the further limitation wherein the data is a scene graph database which is referred to upon generation of computer graphics of a virtual space (see column 4, lines 17-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Grantham et al's scene graph database as the data described by Sweat/McClaughry. One would have been motivated to do so in order to provide since the method of Sweat/McClaughry can apply to any database (Sweat et al: see column 3, lines 52-55).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimberly Lovel
Examiner
Art Unit 2167

14 October 2007
kml

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100